

1996

Washington Practice Materials

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Washington Legal Researcher's Deskbook, 2d

by
Penny A. Hazelton
Peggy Roebuck Jarrett
Nancy McMurrer
Cheryl Rae Nyberg
Mary Whisner

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Law Library Research Study Series

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Washington Legal Researcher's Deskbook, 2d

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INTRODUCTION

The *Washington Legal Researcher's Deskbook* has been written to assist lawyers, librarians, legal assistants, legal secretaries, and members of the public in the complex task of researching legal problems. This book focuses on the law of the state of Washington and the legal materials that are available to the Washington practitioner. The reader will not find answers to legal questions but rather will find a rich array of information that can help in the process of researching the law.

The importance of legal research certainly cannot be overstated. Most lawyers want to give good advice to their clients. If the client's problem is new to the practitioner, chances are good that a review of the legal issues and authority will be necessary. This may plunge the researcher into unfamiliar areas of law.

If it were not enough to want to give good advice, the Washington Rules of Professional Conduct (RPC) 1.1 require that a practitioner "shall provide competent representation to a client." This rule requires familiarity with the relevant law through previous knowledge or through conducting adequate research. No Washington State Bar Association Ethics Opinions interpret this rule regarding the standards for performing competent legal research.

A 1975 California Supreme Court case, *Smith v. Lewis*, 10 Cal.3d 349, 530 P.2d 589 (1975), articulates a standard of care for legal research. The standard requires (1) sufficient research (2) using standard research techniques (3) to obtain readily available authority. The Court found that the defendant lawyer failed to meet this standard of care. Cases in other jurisdictions have reached a similar result. Washington has apparently adopted this standard in *Halvorsen v. Ferguson*, 46 Wash. App. 708, 718, 735 P.2d 675, 681 (1986).

A study commissioned by the ABA Section of Legal Education and Admissions to the Bar recently listed legal research among ten skills necessary for the practice of law. The Task Force identified three specific skills needed for thorough and efficient research:

- 3.1 Knowledge of the Nature of Legal Rules and Institutions;
- 3.2 Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research;
- 3.3 Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design.

Task Force on Law Schools and the Profession: Narrowing the Gap, *Legal Education and Professional Development — An Educational Continuum* at 138 ("The MacCrate Report")(1992).

The legal researcher of the 1990s cannot rest on the knowledge of legal research tools acquired while in law school or even as recently as two years ago. The computerization of legal information has completely changed the world of legal research and the practice of law. Some recent commentators have even suggested that computerized research is required in order for practitioners to avoid malpractice. See David M. Sandhaus, *Computers Are Required for the Practitioner to Avoid Malpractice*, 47 Washington State Bar News 51-52 (no. 11, Nov. 1993); Robert C. Berring, *Technology and the Standard of Care for Legal Research*, 3 Legal Malpractice Report 21-22 (no. 4, 1992).

The purpose of this *Deskbook* is to provide a broad spectrum of information that would be helpful to the person who must research Washington State law. In the first chapter, I describe how to use a law library. From using law libraries in person to using law libraries without leaving the comfort of your home or office, the tips provided in this chapter will be useful to all legal researchers.

In the second chapter, I outline a strategy to help a legal researcher design a research process or framework. Practical tips for efficient use of legal tools are discussed. A reprint of an article that discusses the relative merits of computer and manual legal research tools has been included to help researchers sort through the maze of legal information products. If taking good notes is your downfall, be sure to read the note-taking article found near the end of this chapter. This piece is full of practical hints that can help any researcher create a fine research product.

Chapter three was written by Mary Whisner and is an excellent review of the most basic and important legal research tools used for researching Washington law. Ms. Whisner reviews secondary sources, statutes, city and county codes, administrative regulations, case law, case-finding tools, Attorney General Opinions, citator services, and basic citation information. She includes information about electronic versions of these information tools as well as the printed texts. Every legal researcher should be familiar with the contents of this chapter. This is one of the chapters that should be read completely by any researcher who must use Washington legal information resources.

Washington State agencies promulgate a variety of administrative decisions or actions. These are ably discussed in the next chapter by Cheryl Nyberg. Pay particular attention to the description of the Administrative Procedure Act and its requirements. Ms. Nyberg discusses each state agency that issues administrative determinations and even provides a summary chart of the various sources of agency quasi-judicial actions in order to speed your research.

Never done a Washington legislative history? Follow the clear step-by-step directions written by Peggy Roebuck Jarrett in Chapter five on legislative history and bill tracking. Clearly our author has had some experience with this awesome task!

Ms. Jarrett shows the novice exactly how to follow the legislature's process and includes important tips for accomplishing this research chore efficiently and competently.

Using one or more of the many excellent handbooks and deskbooks available on Washington law can help the legal researcher quickly and efficiently define the problem and locate the primary sources to answer the question. In Chapter 6, Nancy McMurrer provides annotated descriptions both of broad, multi-topic sources and other, more specific titles listed by subject. Organized into sections on encyclopedic sources; deskbooks and treatises; continuing legal education materials; litigation aids (benchbooks, pattern forms, jury verdicts and judicial biographies); ethics opinions; directories; and current awareness services, this chapter is crucial for the researcher who is not intimately familiar with the wealth of secondary literature available in Washington.

This edition of the *Deskbook* contains a new chapter on nonlegal research written by Mary Whisner and Peggy Roebuck Jarrett. In a clear and direct style, the authors cover sources that will help you find information about people and organizations, find factual information, and improve your writing skills.

Peggy Roebuck Jarrett, Nancy McMurrer, and Mary Whisner have written the chapter on computer-assisted legal research (CALR). Although the *Deskbook* is replete with references to and discussions of electronic research tools, this section discusses CALR generally. Highlighting the electronic tools and information available to the Washington legal researcher, this chapter includes excellent sections on different types of access to computer-assisted legal research: online services, CD ROM products, bulletin board systems and the Internet. Comparative tables of the most important Washington legal materials and their availability on WESTLAW and LEXIS-NEXIS are also included. If you have little or no exposure to electronic legal information systems, this chapter is a must.

In the final chapter Ms. Jarrett compiles a collection of information about legal resources in Washington. Included here are tips on how to manage your library, hire a librarian, and select materials and research tools for your library. Lists of filing and library service organizations, document delivery services, legal publishers with addresses and telephone numbers, publisher information for Washington legal periodicals, Washington CLE providers, and libraries that have various city and county codes complete the informative material to be found in this section of the *Deskbook*. This chapter will be a great help to those trying to keep their libraries current and properly managed, to those making decisions about purchases for office libraries, and to those trying to locate legal materials available in the local area.

I am very pleased with the high quality of the material you will find within this *Deskbook*. Many thanks to the authors for their tireless work. Janet Abbott worked many hours to put our draft material into final form — thank you! Thanks

also to Reba Turnquist who helped update information about publishers, prices, and the like; to the Gallagher Law Library staff for being supportive and helpful; to the law librarianship student interns who helped cover the Reference Office when we needed extra time to write; to various colleagues around the state who responded cheerfully to our requests for information; and, finally, to our library patrons for asking us questions and helping us learn what legal researchers in Washington need to know.

Penny A. Hazelton
Seattle, Washington
July 1996

AUTHOR BIOGRAPHIES

PENNY A. HAZELTON. Professor Hazelton has been the Director of the Marian Gould Gallagher Law Library at the University of Washington School of Law since 1985. Teaching legal research to law students, law librarianship students (lawyers training to be law librarians), library students, attorneys, legal secretaries, and paralegals has occupied a good part of Professor Hazelton's twenty-year career. She earned her JD from Northwestern School of Law of Lewis & Clark College and received a Masters in Law Librarianship from the University of Washington in 1976. Professor Hazelton is a member of the Washington State Bar Association and has served as a member and Chair of its Editorial Advisory Board Committee. Professor Hazelton spent five years at the University of Maine and four at the U.S. Supreme Court Library as head of the research services department.

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MARY WHISNER. Mary Whisner received a BA in Philosophy from the University of Washington in 1977, a JD from Harvard Law School in 1982, and an MLIS from Louisiana State University in 1987. Ms. Whisner clerked for Judge Stephanie K. Seymour of the U.S. Court of Appeals, Tenth Circuit, and practiced law for two years in Washington, D.C. at the National Labor Relations Board and the Lawyers' Committee for Civil Rights Under Law. She has been on the reference staff of the Gallagher Law Library at the University of Washington since 1988. Mary Whisner is a member of the American Association of Law Libraries, Law Librarians of Puget Sound, and the Washington State Bar Association.

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WASHINGTON PRACTICE MATERIALS
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Chapter 6
WASHINGTON PRACTICE MATERIALS
Nancy McMurrer

I. Introduction

In its broadest sense, the term "practice materials" might include anything of potential usefulness to a legal practitioner dealing with a particular situation — a telephone directory, statistics from the U.S. Census Bureau, a medical dictionary, and so on. Indeed, creativity and resourcefulness in locating information of whatever type in whatever place is often necessary for the successful study and practice of law. But, generally, the materials included in this chapter are either **intended** for use in handling legal issues, or are in fact used extensively in practice.

Practice materials are characterized by their "nuts and bolts" approach to legal issues. They tend to focus on the law as it exists, with advice, warnings, and tips for handling real-life legal situations. These secondary materials often include checklists or forms to help the practitioner and may be the place to start when trying to find the most recent information in an area of state law. One must remember, of course, that secondary sources are *only* research aids; they point the way to "the law." For more information about Washington primary law sources, refer to Chapters 2, 3, and 4.

A number of different types of resources are covered in this chapter, from multi-volume works that attempt to cover the spectrum of Washington law, to current awareness materials that focus on Washington. Most of the books mentioned are annotated with summaries of their contents, their update schedules, and descriptions of the sorts of access aids they include. In researching any particular issue, there may be several kinds of sources that would be helpful. Knowing the range of options can point the researcher toward the best place to start for the quickest, most reliable results.

II. Encyclopedic Sources

A. *Washington Practice*

Washington Practice is a set of twenty-six volumes that comes as close to being a Washington state legal encyclopedia as possible; it is published by West Publishing Company. Unlike other legal encyclopedias such as *Corpus Juris Secumdam* or *American Jurisprudence 2d*, however, *Washington Practice* has separate titles and authors within the set; there are at present a total of thirteen different titles. (The bibliographic data for the different volumes are set out below.) This is a well-established Washington research tool and is a high quality product. It is kept up-to-

date by new editions of volumes, pocket parts, and supplementary pamphlets. A new addition to *Washington Practice* on elder law is promised.

While the intent of *Washington Practice* is not to provide an "in-depth" summary of the law, it nevertheless manages to summarize the law of Washington with the practicing attorney in mind. In addition, *Washington Practice* also provides annotated court rules, numerous forms scattered throughout its volumes, and pattern jury instructions. The text is heavily footnoted, citing to statutory and case authority, and the publisher provides references to other West publications plus tips for using WESTLAW, its computer-assisted legal research system.

The series is numbered consecutively and the bindings are all the same color and use the same layout. For that reason, the different titles may be somewhat difficult to distinguish. The following table sets forth the thirteen titles and the volumes which comprise them. Each title is described after the table.

<i>Washington Practice: An Overview</i>	
Title	Volume(s)
Methods of Practice	1, 1A, 1B
Rules Practice	2, 3, 3A, 4, 4A
Evidence, Law and Practice	5, 5A, 5B
Courtroom Handbook in Washington Evidence	5C
Washington Pattern Jury Instructions, Civil	6
Uniform Commercial Code Forms, with Practice Comments	7, 8
Civil Procedure Forms, with Practice Comments	9, 10
Washington Pattern Jury Instructions, Criminal	11, 11A
Criminal Practice and Procedure with Forms	12, 13
Criminal Law	13A
Trial Practice, Civil	14, 15
Tort Law and Practice	16
Real Estate: Property Law	17, 18

Chapter 6, Washington Practice Materials

- Barbara Barker et al., *Methods of Practice* (Washington Practice, v. 1, 1A, 1B) (3rd ed. 1989).

The title of this book, *Methods of Practice*, is also the title used for similar books in West *Practice* series in other states; do not let the ambiguity of the title mislead you about the usefulness of its contents. It serves almost as a mini-encyclopedia of Washington law within the broader set. Its three volumes contain excellent coverage of a wide range of Washington legal subjects, some of which may not be covered by any other source, especially one that is so reliably updated as is *Washington Practice*. For instance, water law is covered within the real estate topic and municipal law is found under the special proceedings topic.

The following table sets forth the nine broad topics covered in the three volumes:

PART	TOPIC	VOLUME	CHAPTERS
I	Civil Procedure	1	1-12, 12A
II	Domestic Relations	1	13, 13A, 14, 15
III	Probate	1	16-21
IV	Commercial Transactions	1, 1A	22-25, 25A, 26-31
V	Creditor's Remedies and Debtor's Relief	1A	32-36
VI	Special Proceedings	1A	38-39
VII	Business Organizations	1A, 1B	40, 40A, 41-44, 44A,
VIII	Real Estate	1B	45-59
IX	Law Office Management	1B, in the pocket part	60-62

Each of the nine parts, as suggested above, are further subdivided into chapters. For instance, Business Organizations covers types of legal structures (corporation, limited liability company, partnership, and limited partnership), state excise tax implications, sale or acquisition of a business, and trademark. Besides the limited liability company chapter added in the 1995 supplement, two other new chapters were added in 1995, Chapter 12A (Alternative Dispute Resolutions) and Chapter 59 (Construction Law), as well as the new part Law Office Management. At the end of volume 1B there are tables of statutes, court rules, cases, and the index; check the pocket part in that volume to update these finding aids. A new edition of

Methods of Practice is in process and the addition of even more new chapters is promised.

- ▶ Lewis H. Orland & Karl B. Tegland, *Rules Practice* (*Washington Practice* v. 2, 3, 3A, 4, 4A) (4th ed. 1990-92).

These five volumes are divided into five parts:

- Rules of General Application (volume 2)
- Rules for Appellate Court Administration (volume 2)
- Rules on Appeal (volumes 2, 3)
- Rules for Superior Court (volumes 3, 3A, 4, 4A)
- Rules for Courts of Limited Jurisdiction (volume 4A)

Each part has its own index. The rules are annotated with references to prior rules, the authors' comments, and citations to Washington decisions; the only forms included are those set forth in the rules themselves. The volumes, updated by annual pocket parts, are usually current as of all rules revisions effective during the year prior to the date on the pocket part. The preface to the pocket parts provides specific information about its currency. This is an excellent set of annotated rules, including annotations to the Rules of Professional Conduct; those annotations include references to court decisions and Washington State Bar Association formal and informal ethics opinions.

- ▶ Karl B. Tegland, *Evidence, Law and Practice* (*Washington Practice* v. 5, 5A, 5B) (3d ed. 1989).

These three volumes are organized by rule number and comprise another set of annotated rules. Volume 5B contains tables of statutes, court rules, and cases, as well as an index to the three-volume set. The author states that he has included citations to all Washington decisions under the Evidence Rules, as well as references to law review articles and treatises. The volumes also contain cross references to the Federal Rules of Evidence and selected cases from the federal courts and other jurisdictions (for coverage of evidentiary issues that have not yet been addressed by the Washington appellate courts).

- ▶ Karl B. Tegland, *Courtroom Handbook on Washington Evidence* (*Washington Practice* v. 5C) (1995 ed.)

This is a one-volume condensation of the three volume *Evidence, Law and Practice*; it contains both the Evidence Rules and commentary, as well as relevant statutes, constitutional provisions, and other selected rules of court. It is a paperback, thumb-indexed on the back cover, and is intended to be brought into the court room. The inside of the front cover lists the Washington Rules of Evidence "At a Glance" and the back inside cover contains a list of "Objections A to Z."

- ▶ Committee on Jury Instructions, Washington Supreme Court, *Washington Pattern Jury Instructions, Civil, WPI* (Washington Practice v. 6) (3d ed. 1989)

This work is almost exclusively forms, with notes on use, comments, and references to Washington decisions. It contains tables of statutes, court rules, and cases, as well as an index. There are six appendices, including the *Jurors' Handbook to Washington Courts*, life expectancy and present value tables, and an appendix about using language interpreters in trials. These pattern jury instructions are also available on WESTLAW in the WA-WPI database.

- ▶ Warren Locke Shattuck & Richard Cosway, *Uniform Commercial Code Forms with Practice Comments* (Washington Practice v. 7, 8) (1967).

These oldest volumes in *Washington Practice* are arranged by Uniform Commercial Code section except for Article 9, which is arranged by subject. Volume 7 covers Articles 1-7 and volume 8 covers Articles 8-9. Intended as a companion to the UCC, the two volumes do not include the code itself, but do quote it occasionally. There are also references to cases and law review articles and Volume 8 contains a subject index and a table of statutes. The user should be sure to check either the paperback supplement (Volume 7) or the pocket part (Volume 8) for the most current materials. For example, the supplement to volume 7 contains a complete replacement for the Article 3 forms in the bound volume. Article 3 was revised in Washington effective July 1, 1994; a table of disposition for sections of the former Article 3 is included.

- ▶ David E. Breskin et al., *Civil Procedure Forms: With Practice Comments* (Washington Practice v. 9, 10) (2d ed. 1990).

True to its title, these volumes are almost exclusively composed of forms; they are arranged by Superior Court civil procedure rule number and include short comments by the authors. Volume 9 includes forms pertaining to CR 1-32 and Volume 10 covers forms associated with CR 33-end. Volume 10 also contains an appendix of King County local rules; case-handling procedures; an index; and tables of cases (only in the pocket part), court rules, and statutes.

- ▶ Committee on Jury Instructions, Washington Supreme Court, *Washington Pattern Jury Instructions, Criminal: WPIC* (Washington Practice v. 11, 11A) (2d ed. 1994).

The two volumes of this title contain sixteen parts, starting with introductory instructions through to general verdict forms. The bulk of the parts pertain to specific crimes. There are also six appendices, such as the "Jurors' Handbook to Washington Courts," a general description of a criminal jury trial, and a sample visual aid for a death penalty proceeding. Volume 11A contains the appendices, tables of statutes,

court rules and cases, and the index to the two volumes. The criminal pattern jury instructions, similar to the civil pattern jury instructions, are also available on WESTLAW in the WA-WPIC database.

- Royce A. Ferguson, *Criminal Practice and Procedure with Forms* (Washington Practice v. 12, 13) (1984).

The author describes these two volumes as a "compendium" of Washington laws governing criminal practice and procedure. The material is arranged chronologically from arrest to appeal of those charged with felonies and tried in Superior Courts. Forms or checklists, when appropriate, are included at the end of chapters. Volume 13 contains the index and tables of statutes, court rules, and cases (only in the pocket part).

- Royce A. Ferguson & Seth Aaron Fine, *Criminal Law* (Washington Practice v. 13A) (1990).

This one-volume treatise on criminal law in Washington is divided into four parts: a general overview, substantive offenses, defenses, and sentencing. The chapters on offenses and defenses cover definitions, statutory history, case interpretation, lesser included offenses, practical hints, and cross references to the WPIC jury instructions found in Volumes 11 and 11A. Appendices reproduce Titles 9, 9A, and 69 of the *Revised Code of Washington*. Also included are the index and tables of cases, statutes, court rules, superseded crimes, and crimes and penalties.

- Lewis H. Orland & Karl B. Tegland, *Trial Practice Civil* (Washington Practice v. 14, 15) (4th ed. 1986).

Civil procedure in Washington is the subject of this two-volume treatise. The thirty-five chapters begin with a discussion of jurisdictional issues and proceed in order through the judicial process to foundations for appeal in the final chapter. The relationship of federal and state law is addressed and pertinent international conventions are covered. Volume 15 includes the index and tables of statutes, court rules, and cases (in the pocket part).

- David K. DeWolf & Keller W. Allen, *Tort Law and Practice* (Washington Practice v. 16) (1993).

The authors present this volume as a "scholarly perspective on the law with real-world assistance to the busy practitioner." There are twenty chapters covering such topics as negligence, strict liability, proximate cause, damages, and defenses, as well as more specific causes of action such as tortious conduct in economic relations, insurance bad faith, civil RICO, wrongful discharge, and civil rights actions. Tables of statutes, court rules, and cases are included along with an index. Of particular interest to the practitioner is Chapter 18, which consists of sample forms, examples of

jury instructions (taken from the WPI pattern jury instructions in v. 6), statements, and sample complaints (from *Washington Practice* v. 9).

- ▶ William B. Stoebeck, *Real Estate: Property Law* (*Washington Practice* v. 17, 18) (1995).

This most recent addition to the *Washington Practice* series is a comprehensive, two-volume treatise on the law of real property in Washington. Volume 17 covers the fundamentals of property and land-use planning. Volume 18 covers those subjects associated with land development and conveyancing, including financing. The author has included few forms but does describe the types of information needed to draft real property documents, and, in addition, provides checklists for the practitioner. The preface also states that a two-volume work is in progress that will contain forms and other practice-oriented aids. Volume 18 includes the index and tables of statutes, rules, and cases.

The publisher of *Washington Practice*, West Publishing Company, also offers a CD ROM version that includes all twenty-six volumes. Updates are issued monthly. This title is one of five Washington State CD ROM titles produced by West. There is a substantial discount if more than one product is purchased. There is also a reduction in the cost of the *Washington Practice* CD ROM if at least five titles are owned in paper.

B. *Washington Lawyers Practice Manual*

King County Bar Association, *Washington Lawyers Practice Manual: Manual and Forms* (1986 -).¹

The *Washington Lawyers Practice Manual* has quickly established itself as one of the most useful, all-round assets to any Washington law library; its price is also very reasonable, especially in light of the breadth of its coverage. There are seven looseleaf volumes, each of which is subdivided into chapters. The following table shows the composition of each volume.

¹ Date (1986 -) indicates source is a looseleaf service. See Section III.A. in this chapter for a discussion of looseleaf services.

<i>Washington Lawyers Practice Manual: An Overview</i>		
Volume	Chapter	Chapter Title
1	I	Civil Trial Practice
	II	Civil Appellate Practice
	III	Damages: Measure and Proof
	IV	Guide to Local Courthouses
2	V	Personal Injury
	VI	Evidence
3	VII	Collecting Claims and Enforcing Judgments
	VIII	Consumer Law
	IX	Domestic Relations
4	X	Probate, Guardianship and Estate Planning
	XI	General Tax Practice
	XII	Alternatives to Litigation: Arbitration and Mediation
5	XIII	Business Law Practice
	XIV	Real Property Practice
6	XV	Commercial Practice
	XVI	Law Office Management
	XVII	Criminal Trial Practice and Techniques
7	XVIII	Employment Discrimination
	XIX	Bankruptcy Practice
	XX	State Administrative Law
	XXI	Public Entitlement Law

The parts are written by members of the practicing bar, all experts in their particular fields; updates are issued every year. There is no overall index to the set, nor do the individual parts contain indexes. However, the spine of every notebook volume clearly lists the topics therein and each volume contains the above table of

contents for the entire set. Moreover, each topic in a volume includes its own detailed table of contents. Numerous practice aids are also found in the set: forms (standard arrangement puts forms in appendices at the end of the chapter or at the end of a particular subject), checklists, and bibliographies or references.

Currently, eight chapters of the *Washington Lawyers Practice Manual* are available on diskette for loading onto a personal computer:

- Bankruptcy Law
- Business Law
- Civil Trial Practice
- Collecting Claims and Enforcing Judgments
- Domestic Relations
- Personal Injury
- Probate, Guardianship and Estate Planning.
- Real Property Practice.

These diskettes are marketed under the name *Practice Manual Plus* and updates are issued annually. Chapters can be purchased individually; at present, each chapter costs approximately \$50. There is a volume discount for four or more chapters, which then cost approximately \$40 apiece. *Practice Manual Plus* is available in versions for DOS, Windows, and MacIntosh. The search engine used is Folio, a popular search software used for many electronic legal products. It is a sophisticated system with searching capabilities similar to online services and with hypertext linking.

The content of the diskettes goes beyond that contained in the paper equivalents. Texts of selected primary materials, such as Title 4 of the RCW and the Superior Court Civil Rules, are included, and relevant material can be located through keyword searching. Perhaps the major advantage to *Practice Manual Plus*, however, is in the use of its forms. One can download a form into a word processor and then just fill in the blanks — a true time-saver once the system is learned.

III. Deskbooks, Manuals, Treatises, and Self-Help Sources

A. Introduction and Overview

In addition to the broad coverage provided by the two sources described above, there are a number of books that provide coverage of particular areas of Washington law. Many of these are "looseleaf" sets, books that are notebooks rather than hard-bound volumes. In a looseleaf, pages that contain outdated information may be easily removed from the book and new pages containing more current information put into the notebook. The concept is that the book itself is always "current."

Looseleaf services, especially those with multi-state or federal coverage (for instance, the *Standard Federal Tax Reporter* produced by Commerce Clearing House (CCH) or the *United States Tax Reporter* produced by the Research Institute of America (RIA)) are often described as "one-stop shopping" sources. They include statutes, regulations, case law, administrative rulings, and commentary all in one place. They also tend to be very current resources; new pages are often interfiled every week.

This one-stop shopping concept is not as pervasive an approach in the Washington looseleaf sets described below. Primary materials are referenced, but not so often reproduced in the books themselves. Currency also may be more of a problem in the Washington looseleaf sets. Rarely are they updated more frequently than twice a year and many are not supplemented even once a year. It is always a good practice to note the publication date, or look in the beginning or end of the book to check the date of the latest supplement.

On the other hand, when looking in a library catalog, do not overlook a looseleaf or treatise because its copyright date appears to be too old. Check the whole record to see if the copyright date is followed by a hyphen (1985 -), which indicates a looseleaf service, or to see if a reference is made to the date of the latest material received; the record itself may say "looseleaf" or "updated by pocket parts." A treatise, for example, may have been copyrighted in 1989, but also may have been regularly supplemented with pocket parts (which might show up in the record as "latest received, May, 1996").

Here are two other hints for recognizing looseleaf or practice-oriented books. First, look for terms in the title such as "deskbook," "manual," or "guide." Second, note the publisher. Often a researcher may suspect that a source is of particular interest for practitioners just by recognizing its publisher. The two publishers of the looseleaf services mentioned above (CCH and RIA), for example, are well-known for producing looseleaf services in many different subject areas. Similarly, the list of Washington sources below is dominated by two or three publishers. An announcement for a forthcoming book titled *Washington Deskbook on XXX Law*, published by the Washington State Bar Association, for instance, should immediately suggest "new practice-oriented looseleaf" to the savvy researcher.

In addition to the books and sets intended primarily for practitioners, the list below also includes several sources written for the lay public. In many library catalogs these books have the descriptive subject term "popular." They explain legal questions without use of legal jargon and in ways that people without law school training find more understandable; these sources are also called "self-help" books. They are normally careful to warn the reader that updating any legal research is essential and that readers should always consider whether their particular problems have complexities that would suggest the wisdom of consulting a lawyer. Books

intended for the lay public are a good source for anyone, lawyer or not, who wishes a general overview of an unknown area of the law.

With this background in mind, note that some of the sources below are preceded by an asterisk (*) and/or a pound symbol (#). The asterisk (*) indicates that the source contains forms and the pound symbol (#) indicates that the book is "popular," that is, intended for the lay public. Most of the materials below were produced in 1992 or later, or have been supplemented since 1992. Some of the self-help works are older. Whatever the source, updating research is a must! If the publication date is followed by a hyphen (1990 -), the source is a looseleaf. For those who might wish to purchase a particular work, publisher information is located in Chapter 9, Managing Your Library.

B. Deskbooks, Manuals, Treatises, and Self-Help Sources: Arrangement by Subject

Table of Contents

Administrative Law	171	Environmental Law	180
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Commercial Law	174	Landlord — Tenant	183
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Administrative Law

William R. Andersen et al., *Washington Administrative Law Practice Manual* (Richard A. Finnigan et al. eds., 1991) (Michie)

Updated annually, this one-volume looseleaf book covers all aspects of administrative law practice. There is a chapter on federal administrative law and one on local administrative law, but the major focus is at the state level. The appendices contain the Model Administrative Procedure Act as well as the

Model Rules of Procedure. At the end of the book are tables of cases and statutes and the index.

Arbitration, Mediation, and Alternative Dispute Resolution

* Continuing Legal Education Committee, Washington State Bar Association, *Arbitration Dispute Resolution Deskbook: Arbitration and Mediation in Washington* (2d ed. 1995 -) (Washington State Bar Association)

A one-volume looseleaf, this book is not designed as an in-depth treatise, but rather as an overview of the major statutes and procedures used to resolve disputes short of litigation. Chapter One contains the introduction and a guide to using the book. Tables of cases and statutes, as well as a list of references and the index are found at the end of the book. There are a number of appendices that include materials from the RCW, the American Arbitration Association's commercial arbitration rules, the King County mandatory arbitration rules, and a comparison of mandatory arbitration rules from other counties with King County's rules.

Attorney and Client

Philip A. Talmadge, *Attorney Fees in Washington: Annotated Statutes, Cases and Commentary* (1991 -) (Butterworth Legal Publishers)

This looseleaf volume is divided into seven parts, covering attorney fee issues from statutory attorney fees (which comprises the major part of the book) to the calculation of reasonable fees. Tables of statutes, cases, and rules (including ethical rules) are found at the beginning of the book right after the detailed table of contents; there is no index. The book's last supplement was in 1995; it is now out of print.

Business

* # Patricia A. Chandler, *Owning Your Own Business, "East" King County (Bellevue, Redmond, Kirkland, Issaquah, Bothell and Woodinville): A Step-By-Step Guide with Resources, City by City*, (2d. ed. 1992) (P.A. Chandler Publishing Company)

* # Patricia A. Chandler, *Owning Your Own Business, Seattle - King County: A Step-By-Step Guide with Resources, City by City* (2d ed. 1992) (P.A. Chandler Publishing Company)

* # Patricia A. Chandler, *Owning Your Own Business, "State"- King County: A Step-By-Step Guide With Resources, City by City* (2d ed. 1992) (P.A. Chandler Publishing Company)

These three paperback books, for the most part, include exactly the same information, word for word; they even have the same number of pages.

There are small differences: the "*East*" *King County* guide includes useful telephone numbers for eastside city governments; the *Seattle* guide has specific statistics concerning population by race or age groups, the labor force, and employment trends; and the *State* guide has more general city information and a chart on local sale tax rates across the state. All three books describe what steps to take to establish a business, from making a business plan, to choosing a legal structure, to preparing a financial package. Worksheets and forms are included.

* Continuing Legal Education Committee, Washington State Bar Association, *Washington Partnership Law and Practice Handbook* (1984) (Washington State Bar Association)

Chapter 1 of this looseleaf describes itself as both a hornbook on the Washington law of general and limited partnerships and a practice-oriented guide, with commentary, sample agreements, and practice tips. It is divided into nine parts covering general, limited, and other partnership structures, such as family partnerships. There is a bibliography chapter and index, as well as tables of statutes and rules, cases, and references. It is updated irregularly; the last supplement was in 1992.

Corporation, Business & Banking Law Section & Continuing Legal Education Committee, Washington State Bar Association, *Conflicts of Interest in Business Transactions: Guidelines for the Business Lawyer* (1990) (Washington State Bar Association)

This one-volume book consists of three chapters: (1) a description of the problems and risks that conflicts of interest pose for the business lawyer as well as how and when they arise; (2) a review of the conflict of interest rules and a proposed analysis to identify and determine a response for conflicts of interest; and (3) analyses of seven typical conflicts scenarios. Appendices include a list of references, checklists, and sample letters to clients to be used in dealing with conflicts of interest. Following the appendices is the index. This looseleaf has not been supplemented nor has the publisher indicated when supplementation will be forthcoming.

International Law & Practice Section, Washington State Bar Association, *Doing Business in Washington State: Guide for Foreign Business and Investment* (1992) (Washington State Bar Association)

This paperback book is a basic review of the laws governing business operations in the state. After an overview of Washington's geography, economy, energy resources, etc., the book covers the types of business forms available (for example, franchise, foreign corporation, or joint venture). Subsequent chapters include discussions of a range of topics such as immigration, anti-trust, bankruptcy, and Washington commercial law. There is a table of contents, but no index.

Section of Washington Consumer Protection, Antitrust & Unfair Business Practices Law, Washington State Bar Association, *Washington Consumer Protection, Antitrust, and Unfair Business Practices Law Developments, Second* (Richard J. Wallis ed., 1988) (Washington State Bar Association)

The purpose of this book is "to analyze all precedent in the areas of consumer protection, antitrust and unfair business practices." It is supplemented irregularly; the latest supplement is dated 1993. There is a table of cases covering only cases included in the supplement but neither the supplement nor the original book has an index. Some chapters have practice tips called "strategic considerations" and some chapters include various appendices.

Civil Procedure

Rita L. Bender et al., *Washington Civil Practice Deskbook* (1993) (Michie)

The preface description of this book states that it is not an in-depth treatise, but instead sets forth "basic substantive law on each of the topics addressed with an emphasis on procedure." The twelve topics covered range from standards such as business law and tort litigation to more specialized subjects such as immigration law. The table of contents at the beginning of the book is spare, but each topic has its own, more detailed table of contents. Citations to cases and to the RCW are set out in the left margin. The index and table of cases are found at the end of the book. According to the publisher, the book is "updated as needed."

* Continuing Legal Education Committee, Washington State Bar Association, *Washington Civil Procedure Deskbook* (1992) (Washington State Bar Association)

This three-volume looseleaf set is organized by Civil Rule number, although some rules are not included (CR 65.1, 77-80, and 83-86). The coverage is standardized: introduction, text of the rule, history, comparison to the federal rule, purpose and procedure, analysis, significant authorities, strategic and practical considerations, and forms and checklists. There are appendices on professional responsibility, removal, and special situations such as guardianships and claims of minors. In addition to the tables of cases, rules and statutes, there is an index and a bibliography of articles and books useful as references. According to the publisher, a supplement will be released in fall of 1996.

Commercial Law

* Continuing Legal Education Committee, Washington State Bar Association, *Washington Commercial Law Deskbook* (1982 -) (Washington State Bar Association)

This four-volume looseleaf was extensively revised in 1995, at which time the fourth volume was added. Volumes 1 and 2 cover all nine articles of the Washington's Uniform Commercial Code as well as bankruptcy. Volume 3 discusses consumer legislation and volume 4 covers product liability and other

miscellaneous commercial law topics such as suretyship, intellectual property and antitrust. Volume 4 also contains a table of statutes, references, a bibliography of secondary sources on the UCC, and the index. Scattered throughout the volumes are practice tips, checklists, and sample documents. Chapter 29 contains a guide to using plain language in legal writing.

Construction Law

- * Brian A. Blum, *Mechanics' and Construction Liens in Alaska, Oregon, and Washington* (1987 -) (Butterworth Legal Publishers)

The preface describes this one-volume looseleaf as a "detailed treatment of the law relating to liens on real property for labor, material and services rendered in connection with the improvement of the property." There are general discussions where the law is the same for the three states, then differences are noted state by state. The table of statutes is at the beginning of the book. At the end are the index and two appendices, one containing summaries of principal procedural steps and time limits and the other containing forms. The last supplement to this book was issued in 1994; it has been discontinued.

- * Michael F. Keyes, *The Construction Industry Practitioner's Lien and Claim Series* (1976 -) (Hadrian House Publishers)

The book was extensively revised in 1993, though some parts still bear dates from the late 1980s; since the 1993 revision, annual supplements have been in different colors. The currency of the supplement is included on its first page. There are five sections, each of which is behind an unlabeled tab. Each section has its own detailed table of contents, forms, and table of cases. There is no overall index.

- * James F. Nagle et al., *Washington Building Contracts and Construction Law* (James R. Nagle et al. eds., 1994 -) (Michie)

This one-volume looseleaf covers the contracting process from the time the bidding on a public or private project commences until the time that performance of a formed contract is either completed, excused, or breached. It has a detailed table of contents at the beginning; tables (cases and statutes) and the index are at the end of the book. There are also appendices, including some sample forms such as a release, joint check agreement, and certificate of payment.

Corporations

- * # Community Involvement Committee, Seattle-King County Bar Association, *How to Form a Non-Profit Corporation in Washington State* (1992) (King County Bar Association)

This is a spiral-bound paperback designed as a self-help book. Included are many sample documents like articles of incorporation, bylaws, and an Appli-

cation for Exempt Status. There is a resource list of organizations and a glossary. There is no index, but a table of contents is found at the beginning of the book.

- * David D. Hoff et al., *Washington Corporate Forms: Practice* (1990) (Michie)
A two-volume looseleaf, this set is updated annually. It covers both corporations as well as all sorts of partnership arrangements, including limited liability partnerships. There are references to federal tax considerations and securities issues. The forms are usually preceded by notes describing when and how to use them and individual chapters often begin with tips called "practice considerations." Each volume contains both a table of contents and an index covering both volumes.

- * # *Incorporation Forms for Washington: Complete Forms Necessary to Form Your Own Corporation* (1994) (Self-Counsel Press)

This set of four forms is designed to be used with the *Incorporation and Business Guide for Washington*, below. There are multiple copies of the forms so that a person has a working copy and enough others to file in proper numbers. The four forms include an application to reserve, renew, etc. a corporate name, articles of incorporation, consent to the actions of the board of directors, and bylaws.

- Stewart M. Landefeld et al., *Washington Corporation Law and Practice* (1991 -) (Aspen Law and Business)

The book covers corporate and corporate financial laws applicable to Washington corporations and to organizations doing business in the state. It is divided into four parts: a commentary analyzing the applicable law; basic forms; the full texts of the Washington Business Corporation Act and the Limited Liability Company Act; and legislative history. It includes a table of cases and an index and is updated annually.

- * Robert J. McGaughey, *Washington Corporate Law Handbook* (1993) (Wallingford Press)

The author, a partner in a Portland, Oregon law firm, has also written about Oregon securities law; six chapters of this book are devoted to securities issues. The book outlines the establishment of a corporation, covering such topics as the directors, officers and agents, shareholders, corporate liability, and merger. Forms are found at the end of the book. In addition to the index, there is a table of all sections of the Washington Business Corporation Act cited in the work.

- # Victoria Van Hof, *Incorporation and Business Guide for Washington: How to Form Your Own Corporation* (7th ed. 1996) (Self-Counsel Press)

This paperback book is a self-help guide for forming a corporation in Washington. There are checklists, procedures, and an explanation of corporate hierarchies. Also included are sample documents like the minutes of the organizational meeting, a balance sheet, and articles of amendments. One chapter explains why one might incorporate a business and another covers the tax advantages. Four forms used in the incorporation process are found in the companion publication *Incorporation Forms for Washington*, noted above.

Criminal Law

* Douglas L. Cowan & Stephen W. Hayne, *Defending DWIs in Washington* (1987 -) (Michie)

The first chapter in this one-volume looseleaf consists of an overview of the subject; subsequent chapters follow a chronological trail from the "2 a.m. phone call" through an appeal. Along the way, such guides as sample jury instructions and directions for reading breath alcohol measure tests are provided. Appendices include forms, RCW sections, and a bibliography of articles about alcohol. There is a table of cases, but no index. The book is updated annually and supplemented more frequently as needed. For instance, the 1994 Omnibus Drunk Driving Act was covered by a special supplement.

Robert E. McBeth, *Search and Seizure* (Rev. ed. 1994) (Office of the Administrator for the Courts)

Originally issued in 1990, this work was later supplemented, then revised in 1994. It consists of more than two thousand pages of Washington case summaries on search and seizure, although leading U.S. Supreme Court cases are also cited. There is a very detailed table of contents (more than one hundred pages) that presents the outline of the legal issues involved. The author describes the work as a deskbook "intended for use in legal research and case preparation." There is no index.

Mark A. Vanderveen, *Washington Substantive Criminal Law Notebook: For Courts of Limited Jurisdiction* (Diane G. DeRyss & Steven M. Rosen eds., 1992) (Washington State Bar Association)

The author, who has worked in both city and county prosecutors' offices, has designed this looseleaf book to be a quick reference to the case law arising from eighty-seven misdemeanor crimes. Each misdemeanor chapter includes the RCW section, applicable cases in reverse chronological order, and sample jury instructions. Discussion of underlying elements like alibi or self-defense are interspersed in the chapters; check the subject index at the end of the book or the last section of the table of contents to locate the chapter in which they are included.

Criminal Procedure

Linda S. Portnoy & Eileen P. Farley, *Washington Criminal Practice in Courts of Limited Jurisdiction* (1993) (Michie)

This two-volume looseleaf also includes a diskette containing forms; the specific contents of the diskette are not indicated. Volume 1 contains a practice and procedure guide covering all aspects of handling misdemeanor offenses from the charge through the appeal; Volume 2 focuses on specific offenses. At the end of each chapter is a list of applicable forms, all of which are contained in Volume 2. There are tables of cases, statutes, and rules; the index; and a list of resources at the end of Volume 2. The list of resources provides information about organizations that might help those involved in crime, for example, Washington Advocates for the Mentally Ill. The book is updated annually.

Debtor & Creditor

* Virginia Burdette et al., *Washington Collection Sourcebook* (1992) (Washington Law Institute)

The introduction includes information about how to use the book and cautions the user to use the forms as guidelines only. It also states that the book is not intended for those acting as their own attorneys. The book is divided into eight parts, the last of which is the appendix containing pertinent RCW provisions. Each part has its own table of contents. The book has a 1994 supplement.

Domestic Relations

Continuing Legal Education Committee, Washington State Bar Association, *Washington Community Property Deskbook* (George T. Shields et al. eds., 2d ed. 1989 -)

This one-volume looseleaf, though unsupplemented, is still in print. It is composed of eight chapters, the first of which is the introduction. Other chapters cover the nature of community ownership of property, its management and voluntary disposition, transactions between spouses, creditors' rights upon involuntary disposition, and taxation. The last chapter (which is also Appendix A) discusses situations involving community-property and common-law states and their citizens. There are tables of statutes and cases, references, and an index.

Continuing Legal Education Committee, Washington State Bar Association, *Washington Family Law Deskbook* (1989 -) (Washington State Bar Association)

This two-volume work was last updated in 1991, but a new supplement is due out in late 1996. It purports to cover the most significant topics encountered by family law practitioners including such topics as paternity and juvenile dependency proceedings. The authors emphasize practitioners' needs, so

checklists and practice tips are scattered throughout the chapters. Tables of statutes and cases, references, and the index are at the end of Volume 2.

Family Law in Washington State: Your Rights and Responsibilities (Amy Stepson ed., 3d ed. 1996) (Northwest Women's Law Center)

This slim paperback volume is described as a "practical guide to family law for use by both non-lawyers and lawyers." It includes chapters on marriage and dissolution, child support, domestic violence, community property, unmarried couples, names, and minors. It also contains a list of "resources," organizations that provide support and help for persons involved in domestic relations disputes or for those with problems that affect their families.

* King County Superior Court Judges, *Step-Parent Adoption Forms* (1995) (Office of the Administrator for the Courts)

These forms, developed by the King County Superior Court, are for use only when one parent is relinquishing parental rights and the new adoptive parent is married to the other natural parent; use of the forms is not mandatory. Included are family court adoption service guidelines, the forms, and their instructions.

* # Mark T. Patterson, *Divorce Guide for Washington: Step-by-Step Guide to Obtaining Your Own Divorce* (9th ed. 1994) (International Self-Counsel Press)

The first half of this paperback book is a discussion of divorce law, including some sample documents such as a separation order. The second half of the book contains two copies of all forms needed for a simple, uncontested divorce. There is no index, but the book does have a glossary of terms and a checklist of steps to be taken in uncontested divorce actions.

* Washington State Child Support Schedule Commission, *Washington State Child Support Schedule* (1988) (Washington State Child Support Schedule Commission)

Updated versions of the schedule are issued irregularly; the current version is dated 1993. It contains standards and definitions pertinent to child support. A worksheet and Child Support Summary Reporting Form are included.

Mary Weschler, *Marriage, Separation, Divorce and Your Rights: For Wives, Husbands, Children and Cohabiting Couples in Washington* (4th ed. 1994) (Self Counsel Press, Inc.)

The preface claims that this self-help guide is a "complete family law legal guide" covering all aspects of the family and marriage institutions. Included are sections on marriage, including the difference between formal and common-law marriage, separation and separation agreements, divorce and annulment, maintenance and alimony, custody and maintenance of children, and property rights.

Employment Law

Michael J. Killeen, *Employment in Washington: A Guide to Employment Laws, Regulations, and Practices* (3d ed. 1993) (Michie)

This looseleaf covers issues relating to the employment relationship, including the hiring process, working conditions, benefits, hours, wages, types of employment contracts, workers' compensation, disability, and termination. Appendices include federal and state regulations and there is a subject index. The book is updated twice a year, or as needed.

Stephen D. Phillabaum, *Employee/Employer Rights: The Complete Guide for the Washington Work Force* (2d ed. 1992) (Self-Counsel Press)

A thin paperback that focuses on "the government regulations that shape the employment relationship and provide supplementary rights," this book is designed "to answer the most common questions of employees and employers regarding their rights and obligations." It includes several tables, like what may and may not be asked during an employment interview. Its four parts cover hiring, employment standards, supplementary government programs, and collective bargaining. The table of contents is fairly detailed; there is no index.

* *Washington Employment Law Deskbook* (Thomas A. Lemly & Kathleen Anamosa eds., 1991) (Davis Wright Tremaine)

Revised extensively in late 1995, this one-volume looseleaf provides comprehensive coverage of Washington employment issues; information on federal requirements is also included. Chapters contain appendices of forms or suggested policy statements. The last chapter is a chart of records and notices required by law. There is an index at the end of the book and it is updated annually.

Environmental Law

Thomas E. Backer & Preston, Thorgrimson, Shidler, Gates & Ellis, *Washington Environmental Law Handbook* (Thomas E. Backer ed., 2d ed. 1992) (Government Institutes)

This paperback, covering both state and local government entities, contains three large chapters: the environmental protection system in Washington, the State Environmental Policy Act (SEPA), and growth management. Look for bibliographies and resources at the end of each chapter; the index is found at the end of the book.

Jeff Belfiglio et al., *Washington Environmental Regulations and Liability* (Jeff Belfiglio et al. eds., 1994 -) (Michie)

The beginning of this one-volume treatise contains a detailed table of contents. The discussions that follow focus on who is regulated, the manner of compliance (including permit and licensing requirements), and the scope of liability. The tables of cases and statutes and the index are at the end of the book. There are also numerous appendices of such documents as SEPA rules and basic air pollution standards.

Richard L. Settle, *The Washington State Environmental Policy Act: A Legal and Policy Analysis* (1987 -) (Michie)

This one-volume looseleaf publication is normally updated once a year; in 1995, however, an additional special supplement was issued in light of "sweeping" changes in the State Environmental Policy Act (SEPA) and regulatory reform. There is a new section devoted entirely to regulatory reform and that legislation is included in a new appendix. Other appendices include SEPA provisions, a summary of SEPA, SEPA rules, and Department of Ecology interpretations. The preface to each update provides a quick overview of the highlights of that year. A table of cases is found following the table of contents in the front of the book; there is no index.

Evidence

Robert H. Aronson, *The Law of Evidence in Washington* (2d ed. 1993 -) (Michie)

The author states that this book, which "combines evidentiary provisions and commentary in a single volume," is intended as a quick reference for judges, practitioners, and students. It sets out: (1) the text of the Washington Rules of Evidence; (2) the comments of the Judicial Council Task Force on Evidence; (3) any state statutory provisions incorporated by reference; (4) Advisory Committee notes on the Federal Rules of Evidence wherever the state and federal rules are the same; and (5) the author's editorial analysis, including a discussion of "those cases essential to a proper application of the rules." There are both a subject index and a rules index, as well as a table of cases. The preface states that the book will be updated "as needed;" so far it has been supplemented annually.

W. George Bassett, et al., *Washington Civil Trial and Evidence Manual: Voir Dire to Verdict* (W. George Bassett & Margaret A. Moran eds., 4th ed. 1994 -)

Not intended as a treatise, but as a "working tool," this book is designed to be taken with counsel into court. It is a looseleaf in form, but, as yet, no supplements have been issued. It is organized topically, with numbered tabs separating the topics; the broad topical index is found in the middle of the book. That index, for instance, points the researcher to Tab 4 for answers to best-evidence questions and to Tabs 24-27 for coverage of all kinds of privilege questions (such as attorney-client privilege at Tab 24 or husband-wife privilege at Tab 25). Each entry contains a brief statement of a rule of law followed by a citation to an Evidence Rule or to the case that, in the author's

opinion, best states the rule of law or best discusses it. Tab 34 contains a section entitled "how to use this book;" it precedes the table of Evidence Rules and a detailed subject index.

Guardianship

* Gerald B. Treacy, Jr., *Washington Guardianship Law: Administration And Litigation* (2d ed. 1992) (Butterworth Legal Publishers)

This one-volume looseleaf is divided into four parts: commencing the guardianship, administering it, terminating it, and litigating guardianship issues. Following those four parts are practitioner checklists; forms; tables of statutes, rules, and cases; summaries of Washington guardianship decisions from 1936-93; and the index. The book is updated as needed.

Insurance

Continuing Legal Education Committee, Washington State Bar Association, *Washington Motor Vehicle Accident Insurance Deskbook* (1989 -) (Washington State Bar Association)

This one-volume looseleaf is a companion to the *Washington Motor Vehicle Accident Deskbook* (see below under Motor Vehicles). It includes all aspects of motor vehicle insurance coverage and exclusions as well as topics such as the insurer's duty to defend the insured. Practice tips are found throughout the volume. References, the index, and tables of cases, statutes, and rules are found at the end of the book. Appendices include two motor vehicles insurance policies. Supplementation is irregular, but a 1995 supplement added a new chapter on the Financial Responsibility Act and mandatory liability insurance.

Thomas V. Harris, *Washington Insurance Law* (1995) (Michie)

This is a hardbound treatise to be updated with pocket parts. The preface states that it is a "reference book for both insurance professionals and for non-specialists" and that the book is designed "to provide a critical analysis rather than a simple recitation of the controlling legal principles." There is an index.

* William J. Price, *Annotated Comprehensive General Liability Insurance Policy: Washington Cases, With Commentary* (3d ed. 1993 -) (W.J. Price)

This commentary is designed to provide a "quick reference to Washington case authority which discusses various coverage terms, conditions, grants and exclusions common to comprehensive general liability insurance policies issued in this state." It is based on the 1973 Standard Provisions for Comprehensive General Liability Insurance published by the Insurance Services Office, Inc. and there is also an appendix with later 1985-86 ISO revisions.

The author cites to general insurance treatises and discusses cases from other states for those issues where there is no Washington precedent. The author has indicated that a supplement is to be issued annually.

Juveniles

* Richard DeVany & Washington Association of Juvenile Court Administrators Desk Manual Committee, *Desk Manual for Juvenile Court Administration* (1987 -) (Washington Association of Juvenile Court Administrators)

Volume 1 of this two-volume looseleaf covers policies and procedures such as interagency policies, intercounty policies, and interstate compacts. Numerous forms, such as an Early Reinstatement Request, by which a court may ask the Department of Licensing to reinstate a driver's license, are included. One chapter discusses the Indian Child Welfare Act. Volume 2 is called "references" and many RCW sections, court rules, and case citations are included. Volume 2 also contains a table of cases (though current only through 1993) and the index. The book is supplemented annually, though not all sections appear to be updated every year.

Landlord — Tenant

*# Barbara A. Isenhour et al., *Tenants' Rights: A Guide for Washington State* (1991) (University of Washington Press)

The preface states that this paperback is an explanation for tenants of their rights and responsibilities; landlord problems and remedies are not covered. Sample documents such as a model rental agreement and a deposit checklist are included. The appendix contains the Washington Landlord Tenant Act. At the end of the book are a glossary and the index.

Sidney J. Strong, *Landlord/Tenant Rights in Washington* (8th ed. 1993) (Self-Counsel Press)

This self-help paperback is designed for use by both landlords and tenants. It explains, topic by topic, the provisions of the Washington Landlord Tenant Act (which is also included in an appendix with a cautionary note to check the recent changes). The last chapter includes a number of questions and answers about common problems such as rent increases, right to privacy, evictions, and housing standards. Scattered throughout the book are about a dozen sample documents, like a three-day notice to pay rent or vacate, a premises checklist, and a rental agreement, all of which are accompanied by commentary.

Limitation of Actions

Michie Staff, *Washington Statutory Time Limitations* (2d ed. 1993) (Michie)

This is a one-volume looseleaf arranged in RCW order. It includes all sorts of time provisions from the RCW in addition to "typical" statute of limitation laws. For instance, if a vessel properly registered in another state is physically in Washington for more than sixty days, it is subject to the registration requirements in this state. The second part of the book contains all the time provisions from the various state court rules. In both parts, the relevant citation is set out in the left margin. There is a subject index at the end of the book. It is updated annually.

Motor Vehicles

Continuing Legal Education Committee, Washington State Bar Association, *Washington Motor Vehicle Accident Deskbook* (1988 -) (Washington State Bar Association)

A companion volume to the *Washington Motor Vehicle Accident Insurance Deskbook* (see above under Insurance), this one-volume looseleaf covers all sorts of accidents involving motor vehicles, including one-car accidents and accidents involving alcohol. The book attempts to provide a balanced view of the defenses and liabilities of both parties, though some practice tips are directed specifically to plaintiffs or defendants. Each chapter has its own detailed table of contents; the subject index and tables of cases, statutes, and rules are at the end of the book. The book was last supplemented in 1995.

* Continuing Legal Education Committee, Washington State Bar Association, *Washington Motor Vehicle Accident Litigation Deskbook* (1990) (Washington State Bar Association)

This book covers litigation from the point of view of the plaintiff's lawyer starting with the investigation to possible post-trial motions; arbitration proceedings are also included. There are tables of cases, statutes, and rules; references, including cross references to other Washington practice materials; and a subject index. The book was supplemented in 1995; the new material, printed on green paper, was added to the end of each chapter.

Municipal Corporations

Roy J. Koegen, *Washington Municipal Financing Deskbook* (1993) (Lawyers Cooperative Publishing Company)

This book is designed to assist local officials and general counsel who represent municipalities in developing financing programs. Each public entity's corporate structure is examined and its authority to issue debt, as well as the types of financing available to it, are set forth. It covers cities and towns, counties, and a host of other local governmental units such as school, port, fire, and sewer districts. There is also a brief summary of the federal tax, bankruptcy, and securities laws. References to other Lawyers Cooperative products (Am. Jur. 2d and A.L.R.) are found in the front of the book. A

glossary of municipal finance terminology and the index are at the end of the book. The work is updated with pocket parts.

Practice and Procedure

- * Thomas J. Chambers, *Tom Chambers' Trial Notebook* (1992) (Washington State Trial Lawyers Association)

This is a two-volume work that takes one step-by-step through the trial process. Volume 1 begins with the consideration of whether to negotiate or litigate, when to litigate and when to opt for arbitration, through the commencement of the litigation itself, preparing the complaint, service of process, etc. Volume 2 covers the trial, from planning and orchestrating it through judgment and post-trial motions. Each volume has a subject index, a broad table of contents covering both volumes, and a detailed table of contents for that particular volume; there are forms throughout the book. The directory of forms in Volume 2 indicates that they also are available on diskette.

- * Continuing Legal Education Committee, Washington State Bar Association, *Washington Appellate Practice Deskbook* (2d ed. 1993) (Washington State Bar Association)

This two-volume looseleaf set covers appeals to the Washington State Courts of Appeals and the Washington Supreme Court; it does not discuss appeals from courts of limited jurisdiction, from state agencies, or federal appeals, other than one chapter about federal review of Washington appellate level decisions. There are forms and "practice guides" scattered throughout the volumes and two chapters (covering briefs and oral arguments) are devoted entirely to practical tips. Procedural rules are summarized in Chapter 2 and rules of general application to all appellate problems are covered in Chapter 5; the user guide suggests reading those chapters first. Tables of cases, rules, and statutes; references; and the index are found at the end of Volume 2. Each chapter has its own detailed table of contents. A new supplement is to be issued in the fall of 1996.

- Dale M. Foreman, *Trial Handbook for Washington Lawyers* (1988) (Bancroft-Whitney)

This hard-bound treatise presents an in-depth treatment of the conduct of a trial; it is designed to serve as a "mentor" for a litigator. A broad table of contents is followed by a table of abbreviations; each chapter has its own, more detailed table of contents. At the end of the book is the index and tables of cases and statutes. The book is updated with annual pocket parts.

- # Office of the Administrator for the Courts, *A Citizen's Guide to Washington Courts* (5th ed. 1991) (Office of the Administrator for the Courts)

Designed to help "increase the knowledge Washington citizens have about the operation of their state and local courts," this short book covers such topics as

the trial process, types of cases, and how courts are financed. There are several charts and diagrams that detail court organization. A glossary defines legal terms like hearsay, voir dire, counterclaim, and moot.

Leslie Rothbaum, *Rothbaum's Guide to the King County Courthouse: The Only Complete Guide to Superior Court, for Lawyers and Lay Persons Alike!* (1994) (Peanut Butter Publishers)

Rothbaum is a paralegal who had originally conceived of this paperback book as a guide for attorneys unfamiliar with the King County Courthouse. When interest was shown by the lay public, she expanded her intended audience to include those who know little of the Courthouse or the legal system. It is divided into three sections: a description of the physical layout of the building and of the administrative personnel (particularly those in the Clerk's office); coverage of judges, commissioners, and courtroom staff; and hints for obtaining goods and services (like copying, catering or office supplies) needed at court. There are diagrams of each floor, a list of frequently called numbers, and an index.

* # Donald D. Stuart, *Small Claims Court Guide for Washington: How to Win Your Case!* (2d ed. 1989) (Self-Counsel Press)

Small claims courts are designed for suits by and against the lay public. This paperback book tries to show "how simple it is to proceed with or defend an action in small claims court." There are step-by-step instructions, including the applicable forms, that take one from filing the initial claim to collecting a judgment.

Property and Real Estate

* Continuing Legal Education Committee, Washington State Bar Association, *Washington Real Property Deskbook* (Edward W. Kuhrau et al. eds., 3d ed. 1996 -) (Washington State Bar Association)

Just published in mid-1996, the third edition of this looseleaf set has been expanded from four to nine volumes. Volumes 1-5 are the updated version of the second edition, detailing real property topics from parties and interests in real property to government regulation through standards like building codes. There are also several new topics such as affordable housing, floating or mobile homes, and the real estate excise tax. Scattered throughout are practitioner aids like forms, practice tips, and checklists. These volumes may be purchased separately. Volumes 6-8 also may be purchased separately. They contain over forty-five new chapters on land use and environmental law issues intended for the "non-specialist." Covered are topics such as state and federal environmental policy acts, public trust doctrine land use, hazardous waste issues, insurance issues for insureds and insurers, and clean air and water issues. Volume 9 includes the index and tables of authorities for all volumes.

- * # Charles J. Covello, *Real Estate Buying/Selling Guide for Washington* (4th ed. 1991) (Self-Counsel Press)

This thin paperback is presented as a guide for both buyers and sellers. Chapters such as financing, negotiating the purchase, foreclosure, and forfeiture cover all aspects of buying a home. There is one chapter on condominiums, cooperative apartments, and mobile homes. Sample documents like a deed of trust, real estate contract, and open sales listing agreement are included. There is no index.

- * Fred B. Phillips, *Washington Closing Officer's Guide* (1983 -) (Michie)

This is a one-volume looseleaf directed to those seeking certification as closing officers (limited practice officers) under Admission to Practice Rule (APR) 12; at the end of the volume is a study guide for the limited practice officer's examination. The introduction sets forth the requirements for becoming a closing officer and describes what a certified officer may and may not do. After a general overview of land ownership concepts, the book covers all aspects of real estate transfers in which a limited practice officer might be involved. There are forms scattered throughout the book, the index to which follows the table of contents; there is no general subject index. It is updated annually.

Taxation

- * Martin Silver, *Washington Taxes: A Taxpayer's Manual for Practice Before the Department of Revenue* (1992 -) (Michie)

This book describes how the Washington Department of Revenue operates and suggests methods for negotiating with the agency. Basic procedures are taken from internal Department manuals, directives, and determinations; the author's suggestions are included as "practice pointers." The index is found at the end of the book along with an appendix of forms and illustrations. It is updated as needed.

- Tax Section, Washington State Bar Association, *Washington State and Local Tax Deskbook* (C. James Judson et al. eds., 1996 -) (Washington State Bar Association)

This new looseleaf deskbook provides a comprehensive overview of Washington state taxes and the primary taxes that may be levied by county and city governments. The tax systems of the three major cities in Washington (Seattle, Tacoma, and Spokane) are discussed, as are the systems of the three neighboring states of Idaho, Alaska, and Oregon. State taxes, such as business and occupation, sales, real estate excise, property, estate, workers' compensation, public utility, and use are covered, as are specific industries and entities such as nonprofit organizations, the fishing industry, and the broadcast media. Transactions involving tax implications, such as the purchase or sale of a business, are discussed, as are procedures involved in particular types of tax such as excise tax.

- * Judee Wells, *Real Estate Excise Tax Deskbook* (2d ed. 1994) (Harrison Publications)

The preface states that the author's goal is to provide the reader with both a commentary about real estate excise tax law as well as the full text of primary reference materials. Thus, after the table of contents, there is a tabbed section (labeled "Outline") that discusses all aspects of the real estate excise tax and cites to statutes, court rules, cases, Attorney General opinions, and administrative decisions and guidelines such as *Washington Tax Decisions* and *Real Estate Excise Tax Bulletins*. These cited reference materials follow in tabbed sections, each with its own detailed table of contents. There is a citator that covers statutes, cases, and Attorney General opinions. The subject index, which covers only the outline section, is at the end of the book. Supplementation is provided as needed.

Wills, Probate, and Estate Planning

- * Estate & Gift Tax Committee, Washington State Bar Association *Washington Life Insurance Trust Deskbook: With Model Form and Annotations* (1992 -) (Washington State Bar Association)

This looseleaf revolves around the model trust agreement set forth in the beginning of the book; the irrevocable or "life insurance" trust agreement is designed to meet Washington trust law and federal tax law requirements. Included are annotations of cases and tax precedents, as well as practitioner planning techniques to aid in adapting the model trust for individual clients. There is a bibliography, table of authorities, and the index at the end of the volume; the model form on a diskette is also included. The looseleaf was last supplemented in 1993.

- * # Fred Hopkins, *Wills for Washington: How to Make Your Own Will* (6th ed. 1996) (Self-Counsel Press)

This slender paperback is a self-help guide that explains the why and how of writing a will. Topics include the requirements of a proper and legal will, how to change a will, a description of when one should consult an attorney, the advantages and disadvantages of a community property agreement, how to set up trusts for a spouse or family, and living wills. The book includes sample documents throughout the text that are actually forms with commentary. There is a glossary of terms at the end of the book and an appendix that contains clauses to be used in wills in special situations, for instance, when a guardianship is involved.

Mark Reutlinger, *Washington Law of Wills and Intestate Succession* (1985) (Butterworth Legal Publishers)

The author, in his preface to the 1994 paperback supplement, states that, since the law of wills changes so slowly, it was not until major probate reform in 1993 and 1994 that he felt supplementation was needed. He describes the

book as "neither an annotated probate code nor a how-to manual," but rather as a treatise on the Washington succession law. The appendix in the 1985 volume contains RCW provisions, tables of cases and statutes, as well as an index. The supplement contains none of these features.

* # Phillip L. Thom, *Probate Guide for Washington: A Step-by-Step Guide to Probating an Estate* (4th ed. 1991) (Self Counsel Press)

This is a thin paperback book designed to help the lay person settle an estate. It describes the powers and duties of executors and administrators and provides a step-by-step guide to the mechanics of probate procedure. In addition, there are a number of sample documents included, for example, an order adjudicating testacy and a petition for family allowance. At the end of the book is a short glossary of terms.

* *Washington Probate Practice, Procedure, and Tax Manual* (Robert S. Mucklestone ed., 1984 -) (Book Publishing Company)

This is a three-volume looseleaf set. The first volume, updated annually, sets forth the RCW sections applicable to probate, along with annotations; following these chapters is an index to them. The last part of Volume 1 contains county probate rules and the King and Kitsap counties' probate manuals. Volume 2 and 3 cover "the system for handling the administration of a typical estate in Washington." Check Chapter 1 in Volume 2 for "how to use" the *Manual*. Volume 3 has a general information chapter at the end, containing such information as a glossary, table of forms, heir charts, and where to write for vital records. There is no index for volumes 2 and 3; they were last updated in 1990.

IV. Continuing Legal Education Materials and *CLEDEX*

A. CLE Materials

A continuing legal education (CLE) seminar almost always includes a book of the materials covered by the speakers; the book is given to all who attend the CLE and is offered for sale to others. The contents of these books may range from little more than detailed outlines of the speakers' presentations to scholarly articles, with numerous footnotes and practice aids such as checklists and forms. Nevertheless, since the audience are practitioners and the goal is to help practitioners stay current with developments in the law, CLE books are often the best place to search for practical, "cutting-edge" information.

Particular CLE materials may be difficult to locate; many law libraries open to the attorney or lay public collect only a portion of the numbers published. In firms, the attorney who attended the CLE may keep the book as part of a personal collection rather than donating it to the firm library. Moreover, many CLE materials cover several specific subjects not evident by the book's title. For instance, the 1994

Northwest Securities Institute, the CLE book from an annual seminar of the same name (the 14th Annual Northwest Securities Institute), includes articles on alternatives for small business financing and private investor remedies in British Columbia. Fortunately for Washington practitioners, the index described below can help solve both these problems.

B. CLEDEX: Locating CLE Chapters

Raven Research and Library Services, *CLEDEX: The Index to Continuing Legal Education Materials in Washington* (1988 -) (Raven Research and Library Services)

Before the advent of *CLEDEX*, CLE materials were difficult to find unless one saw advertisements for the CLE seminars, heard about them by word-of-mouth, or happened upon them in a library catalog. The *CLEDEX* performs the essential function of providing subject access to a large portion of Washington CLE materials and further identifies the individual presentations within them. For instance, using the *CLEDEX*, one can now discover the existence of a CLE book entitled *Doing Business on Indian Reservations* and can locate a chapter about the tax consequences of divorce in the CLE materials for an annual family law seminar.

There are three *CLEDEX* volumes, two of which overlap somewhat because the present author, Raven Research, bought CLEDEX Publications, Inc. and reissued a volume. Taken as a whole, *CLEDEX* covers continuing legal education materials from 1984 to the present. The 1991 edition covers the years 1984-90 and the most recent *CLEDEX* covers from 1986 to the present (its Volume 1 covers from 1986-92, and Volume 2 covers 1993 CLEs through the present). Volume 2 is updated annually.

CLEDEX indexes materials under forty-two topics, which are further subdivided in the detailed table of contents. Notations under the topics give the title of the presentation and, as of Volume 2, include whether the materials include practitioner aids such as forms or checklists. Instructions on using the set are found in the front of the volumes. Also in the front of each volume is a chronological book list of the CLEs covered in it and, as of Volume 2, a subject listing of all CLEs. Note, however, that an earlier CLE, say from 1993, may have a 1994 book number because it was actually added to *CLEDEX* in 1994.

In the Book Location Guide, the author has included general information about locating the different CLEs. Many are collected by county and law school law libraries around the state. For those who want personal copies of CLE materials, the author has also included purchasing information.

V. Litigation Aids

Despite what one sees or reads in legal drama or fiction, many attorneys never enter the courtroom and there are many areas of the law (sometimes referred to as "transactional") where litigation rarely plays any part. Nevertheless, more and more cases are filed each year and many practitioners find themselves faced with situations where knowledge of trial tactics and about alternatives to trial becomes essential. The following types of sources are ones with which litigators should become familiar.

A. Benchbooks

Benchbooks are books written by judges for judges; they are guides for trial judges to use during the course of litigation. Generally, the books follow a case chronologically from when it is assigned to the judge to when the matter is completed and out of the judge's hands. They provide references to cases, statutes, and court rules that will answer questions that typically arise during a court proceeding; some contain forms. Several of the benchbooks noted below are fairly old and may well be in the process of revision.

George Finkle & King County Judges' Mental Illness Committee, *Mental Illness Proceedings Benchbook* (2d ed. 1995) (Office of the Administrator for the Courts)

In addition to outlining the steps and procedures of mental illness proceedings, this benchbook contains appendices that include statutes, Mental Proceedings Rules, case law, and legal briefs. It is available also on computer diskette in both Word and WordPerfect formats.

Washington State Superior Court Judges' Association Benchbook Committee, *Washington State Judges' Civil Procedure Benchbook* (2d ed. 1995) (Office of the Administrator for the Courts)

Described in the preface as a "helpful desktop reference for judges," this one-volume looseleaf is designed as a quick reference for handling procedural questions arising during trials of civil matters although "some substantive law is included as is reasonably necessary to guide the trial judge procedurally." The book is an aid to research rather than a substitute for it; there are cross references to books, treatises, and articles, in addition to citations to case law, statutes, and court rules. It is arranged chronologically in the order that issues are most likely to occur during a trial; the index gives subject access to the issues. Tables of authorities are found at the end of the book. There are versions of this benchbook in Word or WordPerfect format from the Office of the Administrator for the Courts.

Washington State Judges' Benchbook Criminal Forms (1989) (Office of the Administrator for the Courts)

Washington State Superior Court Judges' Association Benchbook Committee, *Washington State Judges' Benchbook, Criminal Procedure* (3d ed. 1985 -) (Washington State Superior Court Judges' Association)

This *Benchbook, Criminal Procedure* and the preceding *Benchbook Criminal Forms* are designed to be used by judges together with the *Washington Pattern Jury Instructions, Criminal* (WPIC), published by West Publishing Co. They are dated and have not been supplemented in the 1990s, so are "due" to be revised and reissued. Briefly, both are arranged according to the Superior Court Criminal Rules. The *Criminal Procedure* looseleaf is two volumes, the first of which covers pre-trial and post-trial matters and includes the index and tables of authorities. Volume 2 contains a "jury trial script" and all matters pertaining to the trial itself. The *Criminal Forms* looseleaf is tabbed by criminal rule number; there is no index.

Washington State Judges' Benchbook, Juvenile Forms (1983 -) (Washington State Superior Court Judges' Association)

Note the *Juvenile Court Pattern Forms* below under Optional Pattern Forms.

Washington State Judges' Benchbook, Juvenile Procedure (2d ed. 1988) (Office of the Administrator for the Courts)

This dated looseleaf benchbook is another overdue for revision. It contains sections on the background on the juvenile courts, dependency proceedings, alternative residential placement, foster care for Indian children, juvenile offense proceedings, and miscellaneous matters such as juvenile court records and the interstate compact on placement of children. Some forms are included and there is a subject index.

Court Procedures Manual Committee, District & Municipal Court Management Association, *Washington State Manual for Courts of Limited Jurisdiction* (1995 -) (Office of the Administrator for the Courts)

The previous *Manual*, issued in 1993, became known as the "green book" because of its bright green notebook cover. Perhaps to ensure the continuation of this nickname, this 1995 edition came with instructions to remove the earlier contents completely and replace them with the 1995 pages, using the same green notebook cover. This edition covers both criminal and civil proceedings. There are five parts, the last four of which are each followed by sets of forms applicable to the part. The five parts are as follows: (1) the overview, which includes helpful hints for using the other parts; (2) administrative matters such as civil and criminal costs, public disclosure and records, and language interpreters; (3) criminal proceedings, set up chronologically from jurisdiction and venue to post-trial matters, including as well some specific offenses such as stalking; (4) civil proceedings, also chronologically presented, with additional specific topics such as civil seizure; and (5) special

proceedings such as domestic violence and contempt. There is an index followed by tables of cases, statutes, and court rules.

B. Pattern Forms

The Office of the Administrator for the Courts has been quite active in producing sets of pattern forms for use in different kinds of litigation. Some are mandatory and some are optional. Check with a local county law library or a law school library to see whether they have the forms; if not, they are available for a fee from the clerks' offices. Increasingly, pattern forms are found on the Internet.

1. Mandatory Forms

Washington Pattern Forms Committee, *Domestic Relations Pattern Forms* (1993) (Office of the Administrator for the Courts)

The Pattern Forms Committee is composed of judges, court staff, and lawyers appointed by those groups as representatives of bench and bar; its members are confirmed by the Washington Supreme Court. In 1990, the Legislature directed the creation of mandatory pattern forms for use in family law cases, so a subcommittee of experts assembled in a Domestic Relations Task Force that meets each year after the adjournment of the Legislature to consider changes to the forms due to new laws. There were no changes to the forms in 1995; instead, users were cautioned to modify the forms where necessary. The forms, with their accompanying instructions, cover all actions commenced under RCW 26.09, 26.10, and 26.26. They are also available from the courts on diskette and via the Internet at

<http://www.wa.gov/courts/forms/home.htm>

Washington Pattern Forms Committee, *Domestic Violence Forms* (1995) (Office of the Administrator for the Courts)

These forms are mandated for use by 1995 Wash. Laws Chapter 246. In addition to the forms, the volume includes instructions for completing them, an informational brochure on domestic violence, a draft of a domestic violence safety plan, and a court staff handbook for use in the domestic violence protection-order process. There are Spanish instructions presently available and plans for translating them into other languages in the future. They are also available from the courts on diskette. The domestic violence safety plan, the explanation of protective orders, and the protective-order process are available on the Internet at

<http://www.wa.gov/courts/domestic/home.htm>

Washington Pattern Forms Committee, *Felony Judgment & Sentence Forms* (1995)
(Office of the Administrator for the Courts)

Just issued in mid-1995, this short set of forms is also available on diskette.

2. Optional, Suggested Forms

All the forms listed below are produced by the Office of the Administrator for the Courts and have been developed under the aegis of the Washington Pattern Forms Committee; thus, they are indicated by title only. All are available in paper and most may also be obtained on diskette. Check with a local court to see whether diskette formats other than those noted are now being produced.

Name Change (1991)

Five pages only, this set is available at this time on diskette only in WordPerfect format.

Emancipation of a Minor (1993)

This short set is currently available on diskette in WordPerfect format.

Forms for Courts of Limited Jurisdiction (1989)

Note that the *Washington State Manual for Courts of Limited Jurisdiction*, noted above under Benchbooks, is a more up-to-date source for forms. Check that source first to see whether the needed form is there.

Civil Forms (198?)

Issued some time in the 1980s, these forms are also available on diskette, but only in WordPerfect format.

Juvenile Court Forms (1983 -)

These forms have been regularly updated after each session of the Washington Legislature. In 1995, for example, new sets of forms covering juvenile truancy and at-risk youth were added. Forms are tabbed by subject, and each set contains its own table of contents. The Office of the Administrator for the Courts, in its transmittal memorandum for 1995 materials, suggests that a complete revision of the forms will be issued in late 1996. They are currently available on diskette only in WordPerfect format.

Criminal Law Forms (1982 -)

This hefty set of forms is currently being updated and is scheduled to be reissued in the summer of 1996.

C. Jury Verdicts, Arbitration Awards, and Expert Witnesses

In any litigation in which monetary damages are involved, figuring the amount of damages may be as difficult as researching the law. Damages are particularly

complicated in personal injury cases, where compensation depends on so many factors such as the type of injury combined with the age, status, occupation, etc., of the injured party. Moreover, the place of the trial may influence the outcome. What is a reasonable recovery?

The following sources are primarily aids to litigants and their attorneys as they attempt to devise the amount of compensation to claim or for which to settle. Because of the types of indexing to the cases or arbitrations, however, they also serve the function of providing lawyers with information on experts available to serve as witnesses in similar cases. The last source covered is a directory of experts.

1. Jury Verdicts

- ▶ *Northwest Personal Injury Litigation Reports* (formerly *Jury Verdicts Northwest* (1984-92) and *Jury Verdicts of Washington* (1979-83)) (1993) (Jury Verdicts Northwest)

These reports of civil verdicts and settlements in state and federal trial courts of Washington, Oregon, Alaska, and Idaho are issued every month. Each case presented includes the court location, the trial judge, the names of the attorneys involved, any expert witnesses, a summary of the injury and the outcome, including the amount demanded, settlement offers, and the amount recovered, if any. Monthly indexes allow one to search that issue: (1) by court, whose index includes the type of case (such as rear end collision, appeal from the Washington Board of Industrial Insurance Appeals, or medical malpractice) and the result (monetary award or a finding for the defendant); and (2) by injury (such as brain, leg, clavicle, or jaw). There are more elaborate semiannual indexes: vehicle collisions; miscellaneous collisions; miscellaneous torts; and injuries. These categories are further subdivided by court. The semiannual index also includes alphabetized indexes to attorneys, medical and nonmedical doctors, and expert witnesses, as well as indexes by field for medical and nonmedical doctors and expert witnesses.

For a fee, the publisher, Jury Verdicts Northwest, will perform specific searches of all its case reports since 1984. Both *Northwest Personal Injury Litigation Reports* and *Washington Arbitration Reports* are also found on WESTLAW in the JVN database and on CD ROM as part of West's five-title Washington series. The two are included on a two-disk set that contains case law and the RCW.

- ▶ *Washington Damages Awards: Personal Injury & Intentional Torts: Analysis of Specific Dollar Awards by Type of Injury or Action* (Jody Mikasen ed., 1995) (Lawyers Cooperative Publishing)

The preface states that the purpose of this book is to provide the reader with "a quick and easy means of research on the key issue of excessiveness or adequacy of specific dollar awards of damages for personal injury or wrongful death." It covers

cases from 1967. The introduction reproduces 22 Am. Jur. 2d Damages §§ 1017-36: Challenging a Verdict on the Ground of Excessiveness or Inadequacy of Damages. The book is divided into seven parts: particular parts or systems of the body; diseases or conditions; status or occupation of plaintiff; damages arising from injury to another; federal statutory remedies; intentional torts; and punitive damages. Appendices include such aids as forms for allegations as to injuries and damages, jury instructions, life expectancy tables, and checklists. The index is found at the end of the book. The publisher has indicated that it is canceling this title after the 1995 edition.

2. Arbitration Awards

Washington Arbitration Reports (formerly *Northwest Arbitration Reports* (1985-92) and *King County Arbitration Reports* (1981-84)) (1993) (Jury Verdicts Northwest)

Similar in layout and content to *Northwest Personal Injury Reports*, this series covers only Washington cases; there is a set titled *Oregon Litigation and Arbitration Reports* also by Jury Verdicts Northwest. Look for the same types of indexes as are found in the above *Northwest Personal Litigation Reports*. The separately-published *Arbitrator Award Summaries*, in either diskette or paper format, serves as a detailed index by arbitrator to the information included in the *Washington Arbitration Reports*. In the *Summaries*, the arbitrators are listed alphabetically, with the following information: county, type of case (like asbestosis or racial discrimination), type of injury (neck, lung, or emotional), and recovery or verdict. Also included are the month, year, and page number of the full arbitration report found in *Washington Arbitration Reports*.

3. Expert Witnesses

WSTLA Member Services Committee, WSTLA, *1995 Expert Witness & Litigation Support Handbook* (1995) (Washington State Trial Lawyers Association)

This book has three sections: (1) the alphabetical index to the areas of expertise; (2) the list of expert witnesses and services by specialty area; and (3) the alphabetical index to individual experts or firms. Section 2, the bulk of the book, lists experts and firms, their addresses, and all their specialties. Thus, one may find the same firm or person listed under several different specialties. The preface provides information about how to update resources in a specialty area by phone. WSTLA also provides (free for members and a small charge for others) copies of curriculum vitae or brochures they have available. The preface states that the directory is a continuing project and will be "constantly improved and enlarged with new entries," although it does not indicate what sort of updating will occur to the book itself.

D. Judicial Biographies and Backgrounds

For even the most experienced litigator there has been a "first" experience with a particular judge. Sometimes, the only sources of information about a judge are what can be gleaned from newspapers or from reading prior opinions rendered by that judge. The fastest way to locate such material, of course, is to use an online service that will allow one to search by the judge's name. WESTLAW, LEXIS-NEXIS and CD ROM products containing case law, such as CD Law, for example, will permit one quickly to gather a list of decisions written by a judge. Online sources can also be useful in searching newspapers to see if a particular judge's activities have been reported in the popular press.

In addition, both WESTLAW and LEXIS-NEXIS have specific files or databases devoted to judges. For any particular judge, one may find little more than directory information, or one may find a complete biography with a list of noteworthy cases. On LEXIS-NEXIS, use the CAREER; JUDDIR library and file for biographical information on federal judges. The information provided includes personal data, education, other judicial and legal positions, awards, and memberships in organizations and associations. The WESTLAW WLD-JUDGE database covers both state and federal judges and includes similar biographical information.

Washington is fortunate to have some particular sources that provide biographical and other information about some of the judges who sit in Washington. Also check below under Directories (the *Washington State Yearbook* contains biographical sketches of Washington Supreme Court Justices, for example) and under Current Awareness resources for legal newspaper or bar publications that provide judicial profiles.

1. State Judges

- ▶ Young Lawyer's Division, King County Bar Association, *King County Judges Book*, *Pierce County Judges Book*, *Snohomish County Judges Book* (1991) (King County Bar Association)

These three looseleaf books, each covering judges from Superior, District, and Municipal courts, provide excellent information to litigators in those three counties. The last supplements are dated 1994, but were issued in the beginning of 1995. The format for the three volumes is the same. There is a table of contents, followed by a short preface, and then six tabs, two per level of court. The first tab provides a list of Superior [or District or Municipal] Court judges, followed by individual judge's entries. The information there has been provided by the judges from answers to questionnaires sent them by the Judicial Information Committee of the Young Lawyers Division; a few judges, unfortunately, do not respond.

The entries on the judges provide standard types of biographical information such as education, judicial and other legal experience, nonlegal experience, publications, and personal data. What follows are practice pointers provided by the judges for litigators in their courts. For example, under the heading "exhibits," a particular judge may indicate how many copies of an exhibit should be submitted. Topics covered include settlement conferences, voir dire, objections, jury instructions, and the catch-all category of "additional comments for attorneys appearing in your court."

The next tab is labeled Rules and Procedures. However, most of the Court Rules have been removed from those tabs and much of the remaining material appears to be a bit dated. Checking the tab, however, may help an attorney find something like parking information for a particular courthouse or a "Grass Roots Guide to the Pierce County Clerk's Office." For those in King County, more up-to-date information of that type is to be found in materials from a 1995 CLE program, titled *Getting to Know the Courthouses in Seattle* (1995) (King County Bar Association), which provides information about the local, state, and federal courthouses located in Seattle.

- ▶ Office of the Secretary of State, Washington State, *Voters and Candidates Pamphlets* (Secretary of State)

Since judges in Washington are elected, one can sometimes locate information about a judge from the official *Voters and Candidates Pamphlets*. The problems are two: (1) locating copies of the pamphlets may not be easy and (2) finding out when a particular judge was up for election may prove tricky. Moreover, the information one finds in the official pamphlets is provided by the candidates themselves and may be less revealing about judicial style than a litigator might wish, though some candidates point out their judicial or other experience and list recommendations by bar and other associations, information which may prove helpful.

2. Federal Judges

Almanac of the Federal Judiciary (1991 -) (Aspen Law & Business)

To locate information about federal judges sitting in Washington, use this two-volume looseleaf set. Both volumes are arranged primarily by circuit; Volume 1 contains District Court judges, and Volume 2 contains Court of Appeals judges. The format for the entries is the same. Biographical information, such as appointment, education, private practice, academic or other judicial experience, awards, judicial committees and activities, publications, and media attention, is covered. There are also notations about noteworthy decisions and lawyers' evaluations. The set is updated twice a year.

VI. Ethics Opinions

The Washington State Bar Association plays a major role in setting and enforcing ethical rules of conduct among practitioners in the state. The Rules of Professional Conduct (RPC), as approved and adopted by the Supreme Court of Washington, codify the Bar's self-imposed standards. The WSBA assists members in interpreting their ethical obligations by issuing opinions about specific issues. These opinions are of two types: (1) formal, issued by the RPC Committee of the WSBA (or one of its predecessor committees) and then formally approved and adopted by the WSBA Board of Governors; and (2) informal, which reflect only the opinion of the RPC Committee and which are not individually approved by the Board. Formal opinions are published when approved in the *Washington State Bar News*; only some informal opinions are published "for the information of the Bar."

Each year, all formal and published informal opinions still in effect are reprinted in the WSBA's *Resources* (see below under Directories for further information about this book). Included there is a subject index to the opinions and a table of all formal opinions giving their status (whether retained, withdrawn, or retained in part).

The CD ROM product CD Law also includes formal and published informal ethics opinions. L.A.W. BBS, the electronic bulletin board service of the WSBA, includes ethics opinions, but, as of May 1996, they were current only through 1991. The RPC themselves are found in publications of state court rules (see Chapter 3, above). Annotated rules provide citations to court decisions involving the RPC; *Washington Practice's Rules Practice* (in Volume 2) contains annotated RPC rules that cite not only to case law but also to WSBA opinions (see above in this chapter for more details about *Washington Practice's Rules Practice*).

VII. Directories

Directories almost always contain more information than one expects. Most legal directories include listings for Washington state and federal courts and listings (often geographically arranged) for firms and individual attorneys; many also include state government offices and federal government divisions in Washington. Often, directories have "yellow pages" of paid advertising that direct one to various legal services such as court reporters and document retrieval companies. Local bar associations (like the King County Bar Association), legal organizations (such as the Washington State Trial Lawyers Association or Washington Women Lawyers) or practice sections (like the Corporate Law Department Section of the WSBA) also issue membership rosters. More and more legal directory information may be found online in computer databases as well (*Martindale Hubbell* is found on LEXIS-NEXIS and West's Legal Directory is a WESTLAW database). A few statewide directories are covered below.

A. *Washington State Yearbook*

Office of the Governor & Office of the Secretary of State, *Washington State Yearbook* (1983) (Information Press)

At a price under \$25, the *Washington State Yearbook* is perhaps the best value for any attorney who needs to be in touch with Washington state and local governments. It is first and foremost a directory, listing elected government officials and offices, state and county judges and courts, and administrative officers and agencies throughout the state. There is as well a special section of the *Yearbook* devoted to U.S. government agencies in Washington state.

Directory information is provided for counties, cities, towns, educational institutions, and special districts (such as fire and water districts) throughout the state. "Media and Information Sources" lists addresses and phone numbers for daily and weekly newspapers, selected periodicals, television and radio stations, chambers of commerce, and Washington organizations. There is also information on parks and museums. No other commercial source provides such a wide range of directory information for the state.

Beyond its use as a directory, the *Washington State Yearbook* serves as a state almanac. There is historical and statistical information throughout, and biographical and demographic information along with tables, charts, and maps. A chapter on state finances contains a summary of state and major local tax sources, with citations to their statutory authority. Other useful entries include brief descriptions of state agencies and their functions, together with citations to their authorizing statutes. The *Yearbook* presents a concise snapshot of state and local governments and is well worth its annual price.

B. *Resources*

Washington State Bar Association, *Resources* (1987 -) (Washington State Bar Association)

Published annually by the WSBA, *Resources* contains an alphabetical, geographical, and bar-section roster of members. Included in the alphabetical list are a member's business address and telephone number, WSBA number, and status; this information is derived from the annual WSBA licensing forms. At the end of the "white pages" are the WSBA ethics opinions, both formal and informal; see above in this chapter under Ethics Opinions for more information.

There are "green pages" containing such miscellaneous information as WSBA bylaws, mandatory CLE requirements, a list of ABA-approved law schools, a grievance process chart, Bench-Bar-Press Guidelines, and a description of L.A.W. BBS

and how to access it. The "pink pages" section contains expert witness advertisements, a guide to managing client trust accounts, and a *Resources* order form. "Blue pages" are devoted to court information, including Superior Court schedules, a county seat map, lists of certified court interpreters by language, and a court directory. "Yellow pages" advertise law-related products and services.

C. Attorneys ... Red Book

Attorneys (year) Red Book For Washington State (1986 -) (A.N.P. Publishing)

Reissued every year, this red looseleaf publication is well-known and reliable. Directory information is provided behind brightly colored tabs for Washington state and federal government offices, courts, local governments, public port districts, court reporters, anger management and domestic violence organizations, chemical dependency and rehabilitative services, law firms, and lawyers (the latter listed both geographically and alphabetically). The last entry covers all sorts of law-related professional associations across the state. The table of contents at the beginning of the book gives an overview of the contents of each tabbed section.

D. Washington Legal Directory

Washington Legal Directory (1996) (Legal Directories Publishing Company, Inc.)

This directory, published annually, is the successor to *The Oregon & Washington Legal Directory*, which was published between 1971 and 1995. The first section of the directory is printed on yellow paper and contains names, addresses, and telephone numbers for federal and state officials (executive and legislative), law schools, and national and state associations. There is a Washington county map, a list of county seats and an index to cities in Washington, their zip codes, and in which county they are located. Also in this section is information of all sorts about courts, including judge and clerk names and addresses, as well as descriptions of each court's jurisdiction and term. For instance, under each Superior Court is indicated the city in which it sits and which day of the week is probate or motion day.

The major portion of the book is devoted to attorney and firm directory information, both alphabetically and geographically arranged. The county-by-county list also includes county government and court officials. At the end of the book are two short sections: attorneys or firms by practice area and biographical information. At present their coverage is very limited.

E. Washington Court Directory

Office of the Administrator for the Courts, *Washington Court Directory* (1983 -)
(Office of the Administrator for the Courts)

This small paperback is a straight-forward name, address, and telephone directory of judges, clerks, probation officers, and court administrators such as juvenile court administrators; also included are addresses for the tribal courts in Washington. There is an index by name and a reference list of cities and the counties in which the cities are located; county seats are noted by an asterisk (*). New editions have been issued annually, though there was none in 1995. The Washington Courts Internet site does include an up-to-date directory:

<http://www.wa.gov/courts/directry/home.htm>

F. Online Directories

Both WESTLAW and LEXIS-NEXIS have directories of Washington attorneys online. The LEXIS-NEXIS library and file is WASH;WADIR, which is Washington information taken from the *Martindale Hubbell Law Directory*; on WESTLAW the database is WLD-WA. Both services also have directories for judges. The WESTLAW database WLD-JUDGE contains directory information for both state and federal judges across the country and biographical information where available. The LEXIS-NEXIS CAREER; JUDDIR library and file contain biographical information for federal judges; there is no similar file covering state judges.

VIII. Current Awareness

Practitioners should never overlook the riches contained in the bar publications received normally as a benefit of membership in a bar or legal association. These periodicals will help one keep up with current changes in the law or court rules and with the requirements for practice. For instance, attorneys are required to attend a number of continuing legal education courses to remain members of the Washington Bar. How does one locate these courses to attend? The Washington State Bar Association has a legislative representative that monitors sessions of the Washington Legislature and the WSBA both drafts proposed legislation and supports or opposes pending legislation. How does one find out about these activities? What about legal news in general; must the practitioner rely only on the popular press?

In addition to the more traditional sources noted below, do not overlook the Internet. At present, a few legal organizations or associations in Washington have sites on the Internet. These sites provide information about their organizations, outline how to become members, and contain calendars of events and information about CLEs they sponsor. Some permit one to register for a CLE at the site. Here are some associations' Internet addresses, plus the address for information about CLE courses sponsored by the University of Washington School of Law

Organization	Internet Address
American Bar Association	http://www.abanet.org
King County Bar Association	http://www.owt.com/kcba
University of Washington CLEs	http://www2.law.washington.edu/CLE/
Washington State Trial Lawyers Association	http://www/wstla.org
Washington State Bar Association	http://wsba.org

A. Bar Periodicals

- ▶ Washington State Bar Association, *Washington State Bar News* (1947 -) (Washington State Bar Association).

This monthly magazine contains features such as:

- information on activities of the Association and its committees and sections, such as a report by the Legislative Committee about the results of its actions during the latest session of the Washington Legislature;
- descriptions of events affecting the judicial system, such as a description of the recommendations for changes in the selection of judges issued by the "Walsh Commission;"
- a calendar of events and upcoming CLE courses;
- short articles about an area of the law or a procedural issue;
- ethics opinions and reports on attorney discipline proceedings; and
- special issues such as one devoted to law office management.

- ▶ King County Bar Association, *Bar Bulletin* (1979 -) (King County Bar Association)

The largest local bar association in the state produces this monthly newspaper with features such as:

- profiles of judges and attorneys;
- a calendar of events and upcoming CLE courses;
- a Judicial Evaluation Survey of all King County Superior Court judges and commissioners, done every four years;
- reports of advisory judicial ethics opinions or summaries of judicial disciplinary proceedings;
- regular columns about the King County Law Library; and
- articles about imminent changes in court procedural requirements or issues of law.

B. Legal Association Publication

Washington State Trial Lawyers Association, *Trial News* (formerly, *Trial Topics*, 1966-71) (1971 -) (Washington State Trial Lawyers Association)

Published monthly, this newspaper focuses on matters of interest to litigators, especially to those representing plaintiffs in personal injury litigation. Some of its features include:

- regular verdicts and settlements columns that discuss trial tactics as well as specific cases;
- reports of events involving state and federal courts and judges;
- regular columns on topics such as family law, civil rights, insurance, and criminal law;
- practice tips columns;
- a front-page table of upcoming events and articles about WSTLA CLE programs; and
- monthly "focus" sections on various legal issues.

C. Legal Newspaper

Washington Journal (1992 -) (Daily Journal)

This weekly legal newspaper, published every Thursday, is a welcome addition for practitioners interested in keeping up with events in the Northwest. It is a quality publication with several regular columns in addition to its coverage of both national and regional legal news. Some of its features include:

- weekly judicial profiles;
- firm profiles and reports of new hires and partners;
- the "Hotsheet," a calendar of coming events and CLEs sponsored by different organizations across the state;
- regular real estate and technology columns;
- reports on pro bono and other legal and nonlegal volunteerism;
- "Verdicts and Settlements" reports from local trial courts; and
- the "Washington Appellate Report," a separate section covering recent appellate court decisions.

D. Access to Current Awareness Materials: *NEWDEX*

NEWDEX (1993 -) (Raven Research & Library Services)

Produced by the same company that produces the *CLEDEX*, this index provides access to articles in the *Washington Journal*, the *Washington State Bar News*, and the *Bar Bulletin*. It is issued every month and cumulated quarterly and then annually. Main access to articles is by subject. In addition, there are several indexes

which guide the user in locating articles. For instance, the index of people will direct one to the subject category "judicial profiles" to locate an article about a judge. There is also an index to organizations and geographic locations. A list of all subject categories precedes the subject arrangement. Although the *Washington State Bar News* is also indexed elsewhere, *NEWDEX* provides the only cumulated, current subject index to the other two publications.

